

# IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 250 OF 2006

MISS. JANE RODRIGUES, BY HER  
MOTHER AND NEXT FRIEND MRS. NINETA  
RODRIGUES, RIBANDAR, GOA. ....Petitioner

Versus

STATE OF GOA BY CHIEF SECRETARY  
AND 2 ORS., ....Respondents

Mr. Aires Rodrigues, Advocate for the petitioner.

Mr. S. R. Rivonkar, Government Advocate for for the respondents.

Coram:- SMT. RANJANA DESAI &  
N. A. BRITTO, JJ.

Date:- 3rd July, 2006

P.C.

Relying on the judgment of the Supreme Court in Pradeep Jain vs. Union of India, AIR 1984 SC 142, the petitioner contends that there cannot be more than 70 % reservation on the ground of residence or for institutional preference nor can there be a distinction between State Boards and Central Board of Secondary Education. The petitioner's grievance is that contrary to the above judgment, the respondents have informed the petitioner that in view of clauses (iv) and (v a) of the Goa B.Sc. Nursing Prospectus, the petitioner is not eligible as she has not passed XI and XII examinations from a school/college in Goa and not resided five years prior thereto in Goa. The petitioner has contended that the said clauses to the extent they make 100 % reservation for students who have passed XI and XII standards in a school/college in Goa and require five years continuous residence in State of Goa are illegal and violative of Article 14 of the Constitution of India.

We find from Annexure R-1 that the petitioner is 33rd on the merit list of general category and there are only 15 available seats. In the circumstances, in our opinion, the petition need not be entertained. We, however, make it clear that we have not expressed any opinion on the above mentioned question raised by the petitioner in the petition. The petition is disposed of.

SMT. RANJANA DESAI, J.

N. A. BRITTO, J.

ssm.